

**REMARKS**

The claims in this case were restricted into three Groups. Applicant has elected Group I, Claims 1-18.

Moreover, Applicant has provisionally elected, for search and examination purposes only, the specie of polyorganosiloxane comprising aryl groups linked directly to the silicon atoms of the siloxane skeleton, particularly phenylpropylsilsesquioxane as disclosed in examples 1 and 2 of the present application (phenylpropylsilsesquioxane) (polymer), direct dye Basic Red 51 (MIP Red 2985-2 Ciba) (active principle) and hydrogen peroxide (Reagent R).. However, the election of species requirement is traversed.

The reason underlying the designation by the Office of the different polymers and active principles as being patentably distinct is not explained in sufficient detail or by example, and as such represents only a conclusion, particularly in view of the fact that the identified specie are related by operation and/or effect (for example, the polymers have chemical and physical similarities which allow them to function similarly such as, for example, encapsulating active material). Accordingly, division of each of these specie is unsupported and improper. See, MPEP §§ 802.01 and 806.04 (b).

Moreover, for an Election of Species requirement to be proper, a burden must be placed on the Office in examining all species. Applicant respectfully submits that no such burden exists in this case.

Applicant respectfully submits that even assuming for the purposes of argument that the polymers, active principles and reagents are materially different from each other, the search for all such polymers, active principles and reagents would occur in the same

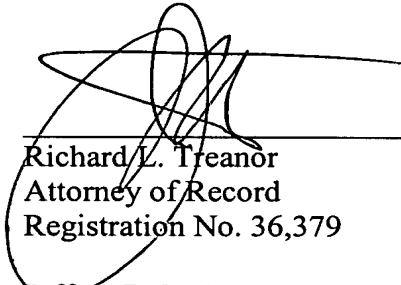
Application No. 10/724,828  
Restriction Response

classes/subclasses. Thus, no burden would be placed on the Office in searching and/or examining all claims together. Accordingly, the Election of Species Requirement is traversed.

Applicant respectfully submits that the above-identified application is now in condition for examination on the merits.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



---

Richard L. Treanor  
Attorney of Record  
Registration No. 36,379

Jeffrey B. McIntyre  
Registration No. 36,867

Customer Number

**22850**

Tel.: (703) 413-3000  
Fax: (703) 413-2220